

RECEIVED
SDNY PRO SE OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mamadou Barry

Write the full name of each plaintiff.

No. _____

(To be filled out by Clerk's Office)

-against-

Anthony C. Russo

Sookdew Ramdeen

Royce

Polanco

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "*Bivens*" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>Mamadou</u>		<u>Barry</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

N/A

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

N/A

Current Place of Detention

Green Haven Correctional Facility. P.O. Box 4000

Institutional Address

<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><u>Anthony</u></td> <td style="width: 33%;"><u>Russo</u></td> <td style="width: 33%;"></td> </tr> <tr> <td>First Name</td> <td>Last Name</td> <td>Shield #</td> </tr> <tr> <td colspan="3"><u>DSS/ Acting Superintendent.</u></td> </tr> <tr> <td colspan="3">Current Job Title (or other identifying information)</td> </tr> <tr> <td colspan="3"><u>Green Haven Correctional Facility. P.O. Box4000</u></td> </tr> <tr> <td colspan="3">Current Work Address</td> </tr> <tr> <td><u>Stormville</u></td> <td><u>New York</u></td> <td><u>12582-4000</u></td> </tr> <tr> <td>County, City</td> <td>State</td> <td>Zip Code</td> </tr> </table>	<u>Anthony</u>	<u>Russo</u>		First Name	Last Name	Shield #	<u>DSS/ Acting Superintendent.</u>			Current Job Title (or other identifying information)			<u>Green Haven Correctional Facility. P.O. Box4000</u>			Current Work Address			<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>	County, City	State	Zip Code
<u>Anthony</u>	<u>Russo</u>																								
First Name	Last Name	Shield #																							
<u>DSS/ Acting Superintendent.</u>																									
Current Job Title (or other identifying information)																									
<u>Green Haven Correctional Facility. P.O. Box4000</u>																									
Current Work Address																									
<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>																							
County, City	State	Zip Code																							
Defendant 2:	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><u>Sookdew</u></td> <td style="width: 33%;"><u>Ramdeen</u></td> <td style="width: 33%;"></td> </tr> <tr> <td>First Name</td> <td>Last Name</td> <td>Shield #</td> </tr> <tr> <td colspan="3"><u>Correctional Officer.</u></td> </tr> <tr> <td colspan="3">Current Job Title (or other identifying information)</td> </tr> <tr> <td colspan="3"><u>Green Haven Correctional Facility. P.O. Box 4000</u></td> </tr> <tr> <td colspan="3">Current Work Address</td> </tr> <tr> <td><u>Stormville</u></td> <td><u>New York</u></td> <td><u>12582-4000</u></td> </tr> <tr> <td>County, City</td> <td>State</td> <td>Zip Code</td> </tr> </table>	<u>Sookdew</u>	<u>Ramdeen</u>		First Name	Last Name	Shield #	<u>Correctional Officer.</u>			Current Job Title (or other identifying information)			<u>Green Haven Correctional Facility. P.O. Box 4000</u>			Current Work Address			<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>	County, City	State	Zip Code
<u>Sookdew</u>	<u>Ramdeen</u>																								
First Name	Last Name	Shield #																							
<u>Correctional Officer.</u>																									
Current Job Title (or other identifying information)																									
<u>Green Haven Correctional Facility. P.O. Box 4000</u>																									
Current Work Address																									
<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>																							
County, City	State	Zip Code																							
Defendant 3:	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"><u>Royce</u></td> <td style="width: 33%;"></td> </tr> <tr> <td>First Name</td> <td>Last Name</td> <td>Shield #</td> </tr> <tr> <td colspan="3"><u>Superintendent.</u></td> </tr> <tr> <td colspan="3">Current Job Title (or other identifying information)</td> </tr> <tr> <td colspan="3"><u>Green Haven Correctional Facility. P.O. Box4000</u></td> </tr> <tr> <td colspan="3">Current Work Address</td> </tr> <tr> <td><u>Stormville</u></td> <td><u>New York</u></td> <td><u>12582-4000</u></td> </tr> <tr> <td>County, City</td> <td>State</td> <td>Zip Code</td> </tr> </table>		<u>Royce</u>		First Name	Last Name	Shield #	<u>Superintendent.</u>			Current Job Title (or other identifying information)			<u>Green Haven Correctional Facility. P.O. Box4000</u>			Current Work Address			<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>	County, City	State	Zip Code
	<u>Royce</u>																								
First Name	Last Name	Shield #																							
<u>Superintendent.</u>																									
Current Job Title (or other identifying information)																									
<u>Green Haven Correctional Facility. P.O. Box4000</u>																									
Current Work Address																									
<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>																							
County, City	State	Zip Code																							
Defendant 4:	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"><u>Polanco</u></td> <td style="width: 33%;"></td> </tr> <tr> <td>First Name</td> <td>Last Name</td> <td>Shield #</td> </tr> <tr> <td colspan="3"><u>Sergeant.</u></td> </tr> <tr> <td colspan="3">Current Job Title (or other identifying information)</td> </tr> <tr> <td colspan="3"><u>Green Haven Correctional Facility. P.O. Box4000</u></td> </tr> <tr> <td colspan="3">Current Work Address</td> </tr> <tr> <td><u>Stormville</u></td> <td><u>New York</u></td> <td><u>12582-4000</u></td> </tr> <tr> <td>County, City</td> <td>State</td> <td>Zip Code</td> </tr> </table>		<u>Polanco</u>		First Name	Last Name	Shield #	<u>Sergeant.</u>			Current Job Title (or other identifying information)			<u>Green Haven Correctional Facility. P.O. Box4000</u>			Current Work Address			<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>	County, City	State	Zip Code
	<u>Polanco</u>																								
First Name	Last Name	Shield #																							
<u>Sergeant.</u>																									
Current Job Title (or other identifying information)																									
<u>Green Haven Correctional Facility. P.O. Box4000</u>																									
Current Work Address																									
<u>Stormville</u>	<u>New York</u>	<u>12582-4000</u>																							
County, City	State	Zip Code																							

V. STATEMENT OF CLAIM

Place(s) of occurrence: G-block, one company 1-128 cell. Infirmary second floor.

Date(s) of occurrence: From November, 2020, to January, 2021.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

This is a complaint against each of the defendants named in the caption for failure to Supervise, Breach of duty, Cruel and unusual punishment, Deliberate indifference, and among other things. First, eighth, and fourteenth Amendment violation That on December 16th 2020, while imprisoned in Green Haven Correctional Facility. At approximate 8:05pm, Plaintiff returned from commissary to "G" block one company. Upon entering "G" block, Plaintiff asked Officer "Ramdeen." "not to open Plaintiff, cell 1-128, for the rest of the night, because Plaintiff received every thing Plaintiff signed up for". Officer "Ramdeen". responded in sum and substance; " Dont tell me how to do my job, go lock in, thats a direct order". Plaintiff proceeded to walk the company, and entered Plaintiff cell 1-128, and closed the cell gate. A minute later, an Officer walked one company and secured all the cell gates. (Now Plaintiff feeling safe and secured inside of a cell controlled by the defendant Officer "Randeem.". whom took oath to protect Plaintiff from assault and guard Plaintiff Constitutional rights.) As soon Plaintiff began to take items out of Plaintiff commissary bag, Plaintiff's cell 1-128, opened. and as Plaintiff motioned to

turn around to see why cell 1-128, open; Plaintiff met with punches to the face, and felt a sharp object on the left side of Plaintiff's face. soon there, Plaintiff lost conscious for a period of time. when Plaintiff finally regained conscious; Plaintiff was on the floor inside of Plaintiff cell 1-128, bleeding profusely with no help. (there is no emergency button inside of Plaintiff cell 1-128, to press for help.) Inmate " Cephas". Din: 10 A 0468. a porter in "G" block one company, saw Plaintiff laying on the floor inside of Plaintiff

INJURIES: see attach.

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

1. Bottom half of the right side of Plaintiff's nose missing. 2. Deep laceration to Plaintiff's left cheek. 3. Lump above Plaintiff right and left eyes. 4. Blunt force trauma to Plaintiff's head. 5. Multiple superficial lacerations to Plaintiff's right and left hands, and among other mental injuries Plaintiff continued to suffer from. The medications

VI. RELIEF names will be provided in a form of medical document

State briefly what money damages or other relief you want the court to order.

Wherefore, Plaintiff respectfully prays that this Honorable Court enter judgement granting Plaintiff 1983 claim.

2) Declaration that the acts and omissions described herein violated Plaintiff's Rights under the Constitution and Laws of the United States.

3) Compensatory damages in the amount of \$208,000.00 against each defendant, jointly and severally.

4) Punitive damages in the amount of \$346,000.00 against each defendant.

(VI) continued

5) A jury trial on all issues triable by jury.

6) Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein.

Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this Honorable Court grants the declaratory and injunctive relief which Plaintiff seeks.

7) Any additional relief this Honorable Court deems just, proper, and equitable.

cell 1-128, bleeding, and left to die. Inmate " Cephas". ran to the "BUBBLE" and informed the defendant Officer " Ramdeen". that Plaintiff is inside of his cell 128, on the floor bleeding through his nose, and he need emergency medical response ASAP. (no medical responded to Plaintiff cell 1-128, no nurse, no doctor.)(at this point, the defendant Officer " Ramdeen". are so detached from his job, that he had no idea that Plaintiff had been assaulted inside of a cell he opened.).

Before moving forward, Plaintiff would concisely describe the "BUBBLE" and the process it takes to open any cell gate.

(The BUBBLE is a station in which the "A" Officer operate. Its located at the front of each block. Metal bars, with clear glass that allows the "A" Officer to see the entire company, from front to back. The process of opening a cell gate.

1. Must gain access to enter the BUBBLE, which require a key.
2. Must gain access to the lock box, which also require a different set of key.
3. Must locate the cell number inside of the lock box.
4. Must grab the metal stick and pull it down. Than, and only than, a cell would open.).

Plaintiff was left to bleed out inside of his cell 1-128, with no help. At some later time, and Officer responded to Plaintiff's cell 1-128, , whom Plaintiff later learned to be Officer " Joannette." Upon seen Plaintiff on the floor inside of Plaintiff's cell 1-128, Officer " Joannette " ran to the BUBBLE Few minutes later, Officer " Joannette " returned to Plaintiff's

cell 11-128, and told Plaintiff that " I informed the people in charge that you need emergency medical response, but I was told that if you need medical attention, you have to get to the infirmary". Officer "Joanette", helped Plaintiff get off the floor and held Plaintiff right arm all the way to the infirmary, not long there, Plaintiff lost conscious. At some time during the ambulance drive to "Putnam Hospital", Plaintiff regained conscious. At "Putnam Hospital," Plaintiff received stitches on the deep laceration to the left cheek. there the doctor informed Plaintiff and the two Officers that escorted Plaintiff, that "Plaintiff need to be transferred to Westchester Hospital as soon as possible to receive a general surgery on the missing part of Plaintiff nose, the soon, the better, so that the wound don't get infected". Plaintiff was transferred back to the Facility, and was placed in the infirmary second floor. Confined in this cell that was built exclusively for inmates whom are suspected of smuggling contraband in the Facility. There were "feces" inside of the toilet , and the flushing of the toilet is controlled somewhere outside of the cell. The "feces" smell was beyond atrocious; word cannot describe it, how uncomfortable and unhumane it was for Plaintiff. The cell had a broken glass window, which rendered the room below degrees cold. Plaintiff was not provided with a blanket, nor pillow. Plaintiff was denied his Religious diet meals. (KOSHA). Plaintiff was confined in this cell 24 hours a day. Plaintiff complained about the above violations of Plaintiff Civil Rights, to multiple Officers. Some of the Officers would simply say " I am cold standing here talking to

you, but there is nothing I can do for you. I take orders from my Superiors, and Plaintiff should complain to the Superintendent Mr.Royce, he's the only man that can move you out of that cell". Plaintiff took multiple steps to addressing the unhumane living condition that the defendants subjected Plaintiff to.

Plaintiff wrote (3) three different letters to the Superintendent Mr.Royce, dated: 12-17th 2020. 12-19th 2020. 12-22nd 2020.

see attach exhibits (M.N.O.)

Plaintiff also spoke with the Superintendent, Mr.Royce, on the 17th of December 2020, and the 19th of December 2020.

In both occasions, Plaintiff reminded and explained to the Superintendent, Mr.Royce, that " Plaintiff was assaulted on the 16th of December 2020, upon returning from Putnam Hospital, Plaintiff was placed in this cell that was exclusively built for inmates whom are suspected of smuggling contraband in the Facility,2. the cell is below degrees cold due to a broking glass window. 3. there is feces in the toilet for the past few days. the flushing of the toilet is controlled by an Officer outside of the cell. 4. Plaintiff was not provided with a blanket nor a pillow. 5. Plaintiff have not eat for the past three days due to the Officers refusing to provide Plaintiff with his religious diet meals (KOSHA). Plaintiff provided the Superintendent, Mr.Royce, with his religious KOSHA card. After a moment of examining Plaintiff religious KOSHA card, Mr.Royce, passed back Plaintiff card and stated in sum and substance "I dont care about none of those issues you just presented to me. is three things I care about, you been alive, you not escaping, you not hurting my Officers.anything other than that, is secondary to me"

The Superintendent, Mr. Royce, walked away from Plaintiff cell.

On the same day, December 19th 2020, on the 3 to 11 shift, Plaintiff was moved to another cell; which Plaintiff took as a "mockery". the cell Plaintiff was moved in also had a broking glass window, the cell is colder than the cell Plaintiff lefted. still no blanket, no pillow, no religious diet meals KOSHA. no rec. for Plaintiff for the last (3) three days. confined in a cell 24 hours a day. the only change of living condition for Plaintiff was that Plaintiff was able to flush the toilet in the second cell Plaintiff was moved in.

Plaintiff wrote (DSS) Mr. Russo, (2) different letters , dated: December 21st 2020, December 27th 2020, in which Plaintiff requested a better living condition, and to be treated equally see attach exhibits (A1.D1).

Plaintiff also spoked with (DSS) Mr. Russo, on the 23rd of December 2020. Plaintiff explained to Mr. Russo, the unhumane living condition that the defendants subjected Plaintiff to. Plaintiff showed Mr. Russo, the broking glass window, and informed him that Plaintiff have not eat for the past (7) seven days. Plaintiff are provided with an "apple on every meal time". no blanket, no pillow, no religious diet meals KOSHA. Plaintiff provided Mr. Russ with his religious diet card. and Plaintiff is confined in a cell 24 hours a day, seven days a week. Mr. Russo, stated "I cant help you, and I know you spok with the person that can help you, so dont get me involve". Mr. Russo, walked away from Plaintiff cell over the next few days, Plaintiff continued to address the violations through different personals in the Facility, to no avail.

Defendants kept Plaintiff in this cell for few more days before moving Plaintiff to a (4) four men room. the bathroom split the four inmates beds. two on each side.

Plaintiff bed was next to an inmate that was receiving diet meals. Plaintiff spoke with (3) three of the defendants mentioned in the caption. Mr. Royce, Mr. Russo, Mr. Polanco, multiple times informing each and everyone of them, that the inmate next to Plaintiff bed are receiving his diet meals, and for Plaintiff to be denied his religious diet meals are is a discrimination. to no avail.

Plaintiff was kept in the infirmary second floor for (38) days without religious diet meals.

Plaintiff was also requesting through the Superintendent, Mr. Royce, and Mr. Russo, the (DSS) acting Superintendent to order Plaintiff transfer to "Westchester Hospital" for a general surgery on Plaintiff missing nose. Both defendants refused to send Plaintiff to the hospital for the general surgery.

Plaintiff wound got infected, and was rush to "Westchester Hospital". there the wound was cleaned, and Plaintiff was transferred back to the Facility. Plaintiff was kept in the infirmary second floor for over (3) three weeks before transfer was approved by the Superintendent, Mr. Royce, and (DSS) Mr. Russo.

Plaintiff was released from the infirmary second floor in January 2021. Plaintiff was sent back in the same cell Plaintiff was assaulted in, 1-128, "G" block.

On January 24th 2021, Plaintiff was called to the ID room for a new ID picture. There Plaintiff's injury pictures are posted on the wall. Plaintiff requested that those pictures be taken down. The Officer responded " these pictures are obtained through F.O.I.L., therefore, I have the right to possess them, and the right to put them anywhere I wish".

Plaintiff wrote the Superintendent, Mr.Russo, and informed him that Plaintiff injury pictures are posted in the ID room wall, and respectfully requesting that he order his Officers to take those pictures off the ID room walls because the ID room is a place where alots of Officers gather on their lunch break, and all inmates take ID pictures in the same room.

see attach exhibit (E1.).

On the 27th of January 2021, Plaintiff spoked with the Superintendent, Mr.Russo, about Plaintiff injury pictures being posted inside of the ID room wall. Plaintiff requested that the Superintendent order those pictures to be taken down. The Superintendent, Mr.Russo, responded " an Officer requested those pictures from F.O.I.L. therefore, he have the right to obtain the pictures, and have the right to post them wherever he want". Plaintiff informed the Superintendent, Mr.Russo, that allowing those injury pictures to be posted on the wall is humiliating Plaintiff, and causing Plaintiff mental stress.

The Superintendent, Mr.Russo, replied " there is nothing I can do about that". Mr.Russo, walked away from Plaintiff.

Plaintiff continuad the effort to get those injury pictures off the ID room wall by talking with other Facility personals. to no avail.

on the month of November 2020, Plaintiff began to received "threat notes" on Plaintiff's bed every time Plaintiff returned from a call-out, or rec.

Plaintiff wrote (2) two letters to the Superintendent, Mr.Royce, about these threat notes that Plaintiff was receiving, dated: 11-07-2020, 11-12-2020. Plaintiff spoke with the Superintendent, Mr.Royce, on 11-09-2020, 11-19-2020, 11-21-2020.

see attach exhibits (K.L.).

Plaintiff wrote (3) three letters to the (DSS) acting Superintendent Mr.Russo, informing him about these threat notes. Plaintiff sent some of the threat notes to the acting Superintendent Mr.Russo, see attach exhibits (B1.C1.H1.)

Plaintiff spoke with Mr.Russo, few times about these threats and requested to be moved out of "G" block for safety concern. to no avail. see attach exhibit (S.).

Plaintiff informed both defendants that Plaintiff fair for his safety, and requested to be moved to another block, and fully investigate the matter. to no avail.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated		Plaintiff's Signature
Mamadou		Barry
First Name	Middle Initial	Last Name
P.O. Box 4000, Green Haven Correctional Facility		
Prison Address		
Stormville	New York	12582-4000
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

MAY 4TH 2022

CLAIM OF RELIEF.

It is according to our Constitution that Plaintiff bring this claim to this Honorable Court. and since the law is a declaration and application of justice. and justice being the central star which govern societies, the principle and the regulator of all transactions. Nothing takes place between men save in the name of right; nothing without the invocation of justice. Nevertheless, I build no system. I ask an end to privilege, equality of rights, and the reigh of law; justice, nothing else. That is the alpha and omega of Plaintiff's claim. Here now began the greatest and most unforgettable time of my earthly existence, as though it were yersterday. Images passes before Plaintiff's eyes of the horror that took place at Green Haven Correctional Facility, in "G" block, inside of Plaintiff's cell 1-128, on December 16th 2020, at approximate 8:05pm. Here Plaintiff repeat and re-alleges the foregoing paragraphs as if fully set forth herein, Plaintiff is a convicted State prisoner, housed in Green Haven Correctional Facility. On December 16th 2020, at approximate 8:05pm. Plaintiff returned from commissary to "G" block. Upon entering "G" block, Plaintiff walked to the "BUBBLE" where Defendant "Officer Ramdeen", was working as the "A" Officer. Plaintiff informed the Defendant Officer Ramdeen, that " I've received everything I sighed up please, dont open my cell gate for the rest of the night". Defendant Officer Ramdeen, knew about the "threat notes" Plaintiff was receiving, because Plaintiff had informed all the

Officers that work in "G" block, about the "threat notes".

Plaintiff wrote (3) three letters to the Superintendent, Mr. Royce about the threat notes. see attach exhibits (K.L.I1).

Plaintiff also spoke with the Superintendent, Mr. Royce, about these "threat notes". on 11-9th 2020, 11-19th 2020, 11-21st 2020. Plaintiff wrote (4) four letters to the acting Superintendent, Mr. Russo, about these "threat notes" Plaintiff was receiving. see attach exhibits (B1.C1.H1.)

Plaintiff spoke with the acting Superintendent, Mr. Russo, multiple times about these threat notes. see attach exhibit (S) The defendant, Officer Ramdeen, responded in sum and substance "dont tell me how to do my job, go lock-in; thats a direct order" Plaintiff proceeded to walk the company, and enter his cell 1-128, and closed the cell gate. see attach exhibit (T).

Few minutes later, an Officer walked one company and secured all the cell gates on one company. (Now, Plaintiff feeling safe and secured inside of a cell controlled by the defendant, Officer Ramdeen, whom took oath to protect Plaintiff from an assault, and guard Plaintiff Constitutional rights).

as Plaintiff began to take items out of Plaintiff commissary bag, all of sudden, Plaintiff's cell gate opened. as Plaintiff motioned to turn around; Plaintiff met with punches to the face, and felt a sharp object on the left side of Plaintiff face. Plaintiff lost concious for a period of time. when Plaintiff regained concious, Plaintiff was on the floor inside of his cell 1-128, bleeding profusely. Inmate "Cephas", Din:10A0468. A porter in "G" block, saw Plaintiff

laying on the floor inside of Plaintiff's cell 1-128, bleeding through the nose and face; inmate Cephas, ran to the BUBBLE and informed Officer Ramdeen, that Plaintiff is on the floor inside of his cell bleeding through the nose and face, he need a emergency medical response, ASAP.

(No medical responded to Plaintiff cell, no nurse, no doctor.)

At some time , an Officer responded to Plaintiff cell 1-128, whom Plaintiff later learned to be Officer Joannette, Upon Officer Joannette, seen Plaintiff on the floor inside of cell 1-128, Officer Joannette, ran to the BUBBLE. Few minutes later, Officer Joannette, returned to Plaintiff cell and informed Plaintiff that " I informed the people in charge that you need a medical response, but I was told that if you need medical attention, you have to get to the infirmary". Officer Joannette, helped Plaintiff off the floor, and held Plaintiff right arm all the way to the infirmary. see attach exhibit (U).

Few hours later, upon returning from "Putnam Hospital", Plaintiff was placed in a cell that was exclusively built for inmates whom are suspected of smuggling contraband in the Facility.

2. there were "feces" in the toilet, and the flushing of the toilet is controlled from the outside of the cell. the smell was beyond atrocious, words cannot describe it, other than, it being inhumane living condition.

3. The cell glass window breaking, which render the cell temperature below degrees cold.

4. Plaintiff was not provided with a blanket, nor a pillow.

5. Plaintiff was denied Religious diet meals KOSHA.

here Plaintiff would go (3) days without food, blanket, pillow, broking glass window in the middle of winter. atrocious smell of someone else "feces", after being assaulted and nearly lost half of Plaintiff nose.

none of the defendants did nothing to help Plaintiff after having knowledge of these violations.

The defendant Officer Ramdeen, are so comfortable in violating Rules, Policies, Directives, and Civil Rights of inmates; he come to work as a Correctional Officer, and go to sleep on work hours. see attach exhibit (V)

The Green Haven Correctional Facility Officers and Supervisers "fishout Grievances" out of the Grievance box, read them; if they dont like the issue grieved, they would distroy the grievance. see attech exhibit (G1).

The defendants worry about no consequences, because it is a "costume" to them.

Plaintiff wrote multiple letters to the Superintendent, Mr.Royce, about these violations. see attch exhibits (M.N.O.P.)

Plaintiff spoked with the Superintendent, Mr.Royce, about these violations, by not only explaining , but also showing it to him. The "feces", the broking glass window, the religious diet card.

The defendant, Mr.russo, was informed about these violations through letters and Plaintiff also showed the defendant, Mr.Russo The "feces" in the toilet, the broking glass window, the religiou diet card. Plaintiff informed Mr.Russo, that he have not eat for the past few days due to Plaintiff not receiving his religious diet meals. to no avail.

Plaintiff spoke with (SGT) Polanco, few times about these violations. Plaintiff showed (SGT) Polanco, the broken glass window, the "feces" in the toilet, Plaintiff's Religious diet Card, and explained him that Plaintiff cannot eat regular trays due to Plaintiff Religion. Plaintiff is a "RASTAFARIAN".

Again, to no avail.

Plaintiff spoke with multiple Officers that worked in the infirmary second floor. to no avail.

Plaintiff is a "RASTAFARIAN", and has been at all relevant times during Plaintiff's detention in Green Haven Correctional Facility. New York State Policies and Practices, as applied in Green Haven Correctional Facility placed a substantial and unreasonable burden on Plaintiff's sincerely held Religious belief in away not reasonably related to any legitimate penological interest, such that Plaintiff was not able to practice Plaintiff's chosen Religion in good conscience.

The defendant failing to provide Plaintiff's Religious diet meals. Accordingly, New York Policies and Practices in Green Haven Correctional Facility, violated Plaintiff's Civil Rights to the free exercise of one religion. Furthermore, because those practices resulted in a level of treatment of "RASTAFARIANS" whom are incarcerated in Green Haven Correctional Facility far below the level of treatment of other Religions. These practices here in this Facility, violated Plaintiff's Civil Rights to the equal protection of law.

These violations, are regular practices perpetuated at Green Haven Correctional Facility, and they are allowed to persist in other sources.

these patterns and practice not only discourage inmates from grieving and complaining about violations, it also make inmates afraid of retaliation from the entire Facility, Officers and Supervisers. This is the reason why these practices continued to persist in a way that violate inmates Civil Rights on the daily basic.

By the Directive and Policy of the Facility, Officers are to conduct "rounds" every hour. But because these defendants are so comfortable in violating directive and policies of the Facility and not having to worry about any consequences. Here Plaintiff present copies of "G" block LOGBOOK, written by the defendants. see attach exhibits(Y.W.Z.).

Only (3) rounds was made on December 16th 2020, from 3to11 shift. One of those rounds was made soly because Plaintiff was assaulted the other two rounds was made on count time. which mean that no rounds was made in the entire (8) hour shift, other than count time. This is a direct violation of all the Directive of the Facility, and the Policies .

Plaintiff trying to give this Court a little glims of what goes on in this Facility, through documentation.

The Green Haven Correctional Facility, Officers and Supervisers have created a "toxic" enviroment; falsehood, falsefying document cover ups, harrassements, retaliations, lack of adequate security protecting inmates from assault, Officers assaulting inmates, the list goes on.

Here (SGT) Polanco,wrote a misbehavior report that he knew wasnt true, and he also knew that no (LT) or (SGT) would dismiss a

misbehavior report written by a (SGT) or a (LT).

Plaintiff was denied to appear and testified on his own behalf.

Plaintiff did not waive his right to testified on his own behalf, nor can the defendants provid any document with my signature waiving my right to testified.

after the defendants conducted the hearing, and found Plaintiff guilty of the charges in the misbehavior report. Plaintiff requested to have an opportunity to hear the "tape".

Plaintiff wrôte the Superintendent, Mr.Royce, to no avail.

see attach exhibits (P.). Plaintiff spoked with Mr.Royce, about obtaining the hearing "tape". again, to no avail.

Plaintiff wrote (DSS) Mr.Russo, about obtaining Plaintiff hearing "tape". see attach exhibits (F1.). Plaintiff also spoked with (DSS) Mr.Russo, about the matter, to no avail.

Plaintiff wrote "Record access Officer". requesting the "hearing tape". Multiple letters was sent to FOIL Office. After. not receiving a response from the records access Officer, Plaintiff appealed the constructive denial to C.O.R.C. as always, C.O.R.C. refered Plaintiff back to the Facility. see attach exhibits (I)

Its been over (2) two years, Plaintiff have taken any and every avenue available to Plaintiff, to no avail. The defendants not only refused to provide Plaintiff with his hearing tape, they have not provided Plaintiff with any document that would prevent Plaintiff from obtaining his hearing tape to prepair his appeal, These are the type of things that goes on in Green Haven

Correctional Facility, with the help of C.O.R.C. their decisions on grievance appeals, encourage the Green Haven Correctional

Facility, Officers and Supervisors to continued engaging in a unlawful patterns.

Her again, Plaintiff personal property, food, and sneakers was destroyed without the authorization of Plaintiff, which is a direct violation of the Facility Directive and Policy.

Plaintiff grieved this issue. I.G.R.C. reps agreed with Plaintiff and staff disagreed. Plaintiff appealed to the Superintendent, the grievance was denied at that level. Plaintiff took a timely appeal to C.O.R.C. there again, C.O.R.C. denied plaintiff grievance throughout this grievance entire process, Plaintiff have presented the only document that are needed to show that Plaintiff personal property was destroyed without the authorization of Plaintiff. that document is " form #2068". see attach exhibit (J.).

The Superintendent denied Plaintiff grievance by stating " form 2068 indicates the grievant signed form #2068, on 12-19th 2020, where choice "D" is circle, and it is noted at the top of the form that the items be destroyed". Plaintiff are presenting to this Court a copy of the same form the Superintendent based his decision upon. see exhibit attach (J.).

C.O.R.C. also made their decision based on the same document it is clear on the same document, Plaintiff circle "A" for his red sneakers to be mailed home on my expense; the property Office signature, and Plaintiff home address on the form #2068.

The only document of prove in this grievance was presented to both, the Superintendent and C.O.R.C. and both ignored the truth and made their decision to support the Officer at the low level. these kind of decisions that encourage the Officers to engage

in a unlawfull pattern.

Though there are Grievance program in this Facility, however, inmates in Green Haven Correctional Facility, does not benefit from this program. the records showed that more than 95% of grievances that was appealed to the Superintendent and to C.O.R.C. are denied; and many of these grievances have evidence to support the claim in the grievance.

In the month of November 2020, Plaintiff began to receive "threat notes" on Plaintiff's bed every time Plaintiff returned from a call-out, or rec.

Plaintiff wrote the Superintendent, Mr.Royce, about these threat notes, and also spoke with Mr.Royce, about these threats Plainti was receiving. to no avail.

Plaintiff wrote (DSS) acting Superintendent, Mr.Russo, about these threat notes, and also spoke with him few times about these threats. to no avail. see attach exhibits (B1.C1.H1.)

Both defendants refused to investigate the threats, and refused to move Plaintiff to another block, or different cell.

Plaintiff submit to this Honorable Court, no immunity apply to the defendants mentioned in the caption, and each and every defendant are liable for each and every violation of Plaintiff Civil Rights.

therefore, Plaintiff ask for a judgement against each and every defendant in amount to be determined at trial.

and all what this Court deem just and proper.

PLAINTIFF REQUEST JUDGEMENT AGAINST EACH DEFENDANT.

Defendant "Royce".

By failing to properly perform his duties as the Superintendent of Green Haven Correctional Facility. failing to act on the information that Plaintiff's Constitutional Rights is been violated under his Administration. failing to properly train his subordinates, and adequately Supervise them.

The defendant, Mr.Royce, acted under the color of the State, knowingly,and willingly deprived Plaintiff's guaranted Rights by the United States Constitution.

No immunity apply to the defendant, Mr.Royce, his action, and or lack of an action perhaps, caused Plaintiff's pain and suffering of mental anxiety, and mental anguish.

Religious discrimination, and racial discrimination.

Thus, Plaintiff are entitle to the relief requested herein: in the amount of being \$248.765.00

Defendant "Russo".

By failing to properly perform his duties as (DSS) and acting Superintendent of Green Haven Correctional Facility. failing to act on a information that Plaintiff was receiving "threat notes", failing to investigate those "threat notes", and failing to move Plaintiff to another block.

Here the defendant, Mr.Russo, did not uphold his "OATH" of

"Care" "Custody" "Control". The defendant, Mr. Russo, could've easily prevented Plaintiff being viciously assaulted on December 16th 2020.

The defendant, (DSS) acting Superintendent, Mr. Russo, acted under the color of the State, knowingly, and willingly violated Plaintiff Constitutional Rights. Humiliated Plaintiff by allowing his Officer to post Plaintiff injury pictures inside of the ID room wall. a place where inmates takes ID pictures, and where all the Officers gather on their lunch break.

pictures of Plaintiff injuries are also posted inside of the BUBBLE, in "G" block.

The defendant, (DSS) acting Superintendent, Mr. Russo, abused his Authority, and disregarded Plaintiff's Civil Rights.

No immunity apply to the defendant, Mr. Russo, his action, and or lack of an action, caused Plaintiff's pain and suffering of mental anxiety, and mental anguish.

Religious descrimination, and racial dëscrimation. Thus, Plaintiff are entitle to the relief requested herein: in the amount of being \$208.978.00

Defendant "Polanco".

By failing to properly perform his duties as a (SGT) and a commanding Officer in Green Haven Correctional Facility. failing to act on a information that Plaintiff's Civil Rights is been violated under his watch, and by writem a false misbehavior

report, which directly violated every rule, directive of the Facility.

failing to adequately Supervise his subordinates.

No immunity apply to the defendant, Mr. Polanco, his action, and lack of an action, caused Plaintiff pain and suffering of mental anxiety, and mental anguish.

Religious discrimination, and racial discrimination. Thus, Plaintiff are entitle to the relief requested herein: in the amount of being \$85.583.00

Defendant "Ramdeen".

By failing to perperly perform his duties as a Correctional Officer.

failing to act on a information that Plaintiff was getting "threat notes" , and not to open Plaintiff's cell 1-128, for the rest of the night of December 16th 2020.

failing to uphold the "OATH" of "Care" "CUstody" "Control". sleeping at work place during work hours, and acting reckless towatrd Plaintiff safety.

No immunity apply to the defendant, Officer Ramdeen, his action caused Plaintiff's pain and suffering of mental anxiety, and mental anguish.

Thus, Plaintiff are entitle to the relief requested herein: in the amount of being \$105.947.00

JURISDICTION AND VENUE.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1331, because this action is a civil action arising under the Constitution, Laws or treaties of the United States.

This Court is the proper venue pursuant to 28 U.S.C. 1391, because one or more defendants reside in this District and all defendants reside in the State. The substantial part of the events or omissions giving rise to this action occurred in this District, and or one or more defendants are subject to the Courts personal jurisdiction with respect to this action.

Exhaustion of Administrative Remedie.

Plaintiff has exhausted any and all appropriate Administrative remedies available to Plaintiff, such as filling of an inmate grievance, and all the appeal process is completed. see attached exhibits. (A.B.C.)

MOTION.

Appointment of Counsel.

In this motion, Plaintiff respectfully request for Appointment of Counsel.

Though it is well settled that there is no right to appointment of Counsel in Civil matters. However, this instant case is one to be consider for appointment of Counsel for the following reasons: Plaintiff is a State convicted prisoner, proceeding as a pro-se litigant and does not have a license to practice the Law.

Plaintiff limited access to the Law library, and limited Law books. Due to the complexity, and lack of ability to investigate the crucial facts in this claim.

Plaintiff hereby respectfully requesting that this Honorable Court use its power and discretion for appointment of Counsel in this instant claim of 1983. and all what this Court deem just and proper.

Preliminary Statement.

This is a Civil Right action filed by Mamadou Barry, a State prisoner, for compensatory and punitive damages, and injunctive relief pursuant to title 42 U.S.C. 1983, alleging violations of rights secured under the New York State and United States Constitution.

Parties.

Plaintiff Mamadou Barry is a convicted State prisoner, under the custody of New York State Department of Corrections and Community Supervision. (N.Y.S.D.O.C.C.S.) Plaintiff is currently confined in Green Haven Correctional Facility. which is located at: Green Haven Correctional Facility, Po Box4000, Stormville, New York. 12582-4000.

Defendant Anthony C. Russo, is the (DSS) acting Superintendent of Green Haven Correctional Facility, and also an employee of the State of New York. At all time mentioned in this claim.

located at: Green Haven Correctional Facility.594 route 216 Stormville, New York, 12582.

Defendant Royce, is the Superintendent of Green Haven Correctional Facility, and also an employee of the State of New York at all time mentioned in this claim.

Located at: Green Haven Correctional Facility, 594 route 216 Stormville, New York, 12582.

Defendant Polanco, a "SGT" in Green Haven Correctional Facility, and also an employee of the State of New York. at all time mentioned in this claim.

located at: Green Haven Correctional Facility. 594 route 216 Stormville, New York, 12582.

Defendant Sookdew Ramdeen, is a Correctional Officer in Green Haven Correctional Facility, and also an employee of the State of New York, at all time mentioned in this claim. located at: Green Haven Correctional Facility, 594 route 216, Stormville, New York.

MAMADO BARRY #13A1084
GREEN HAVEN CORRECTIONAL FACILITY
P.O. BOX 4000
STORMVILLE, NEW YORK 12582-4000

NEOPOST

05/05/2022

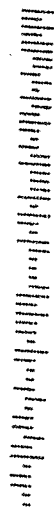
US POSTAGE \$002.36

ZIP 12582
041M1146608

NEW YORK STATE



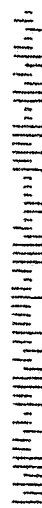
USMP3
SDNY



SDNY PRO SE OFFICE
2022 MAY 11 PM 2:35

CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE DANIEL PATRICK MOYNIHAN
U.S. COURTHOUSE - 500 PEARL STREET
NEW YORK, N.Y. 10007-1312
PRO SE INTAKE UNIT.

LEGAL MAIL



LEGAL MAIL